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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,466	04/06/2001	Frederick Schuessler	7157-291	6160
23720	7590	10/17/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			FUREMAN, JARED	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 09/827,466	Applicant(s) SCHUESSLER ET AL.	
	Examiner Jared J. Fureman	Art Unit 2876	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): The objections to claim 131.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: None.
- Claim(s) objected to: None.
- Claim(s) rejected: 1,4-6,9-11,13,14,18-20,23-25,28-30,33,37,38,116 and 131.
- Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

Jared J. Fureman
 Jared J. Fureman
 Primary Examiner
 Art Unit: 2876

Continuation of 11. does NOT place the application in condition for allowance because: The Wilz, Sr. et al, Hudetz et al, and Bianco references meet the claimed limitations.

The examiner maintains that a terminal ID or network address is required for the terminal 26 to communicate with the base station/service provider 4. The service provider 4 must be aware of the terminal 26 in order to indicate to the base station which terminal 26 to relay information to.

The office action relies upon Wilz, Sr et al to teach the remote device receiving bar code information, and relies upon Hudetz et al to teach maintaining a database of bar codes and destination information and identifying a portion of the destination information based on a portion of received bar code information. The examiner regrets if the office action is confusing regarding this point. Furthermore, Hudetz et al teaches that the motivation for replacing a bar coded URL (as taught by Wilz, Sr et al) with a database of bar codes and related URL's (destination information) is to allow the use of shorter bar codes and allow the change of URL's or network addresses without the need to update the bar codes (see column 3, lines 1-37 and column 3, line 58 - column 4, line 31, of Hudetz et al).

The examiner maintains that Bianco teaches allowing access only if a bar code is encrypted. For example, in a security application, the bar code must be encrypted using a unique symbology and a special bar code reader must be used (see, for example, column 2, lines 57-62, of Bianco). For example, if a user attempted to use a standard bar code to access a secure application, access would not be granted since the bar code was not encrypted with the unique symbology.

O'Hagan et al (US 6,595,417) is being cited as evidence that it was old and well known to those of ordinary skill in the art at the time of the invention to require a personal identification number to be entered into a terminal in order to allow use of the terminal/network (see at least figure 13 and column 16, lines 7-21).

Bayrakeri (US 6,185,602) is being as evidence that it was old and well known to those of ordinary skill in the art to allow users to communicate with each other through an Internet web page or chat room (see at least column 1, lines 31-37).

Continuation of 13. Other: Upon appeal, amended claim 131 will be rejected in the same manner as set forth in the final office action mailed on 7/25/2005. Claims 1,4-6,9-11,13,14,18-20,23-25,28-30,33,37,38,116 and 131 remain rejected as set forth in the final office action mailed on 7/25/2005. See attached PTO-892.